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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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The meeting was called to order at 3.10 p.m.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/55/L.35, L.43, L.47, L.48, L.52, L.56 and L.60)

Draft resolution A/C.3/55/L.35: Protection of migrants

1. **Mr. Albin** (Mexico) introduced draft resolution A/C.3/55/L.35 on behalf of the sponsors, joined by Armenia, Paraguay and Sri Lanka. The draft resolution was intended to boost protection of the human rights of migrants, whose contribution to their host countries was recognized but who were still vulnerable. Special attention should be paid to protecting migrant children and those migrants who were the victims of trafficking or racially motivated attacks.

Draft resolution A/C.3/55/L.43: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

2. **Mr. Naess** (Norway) introduced draft resolution A/C.3/55/L.43 on behalf of the sponsors, joined by Bosnia and Herzegovina, Georgia, Morocco, the Niger and Sri Lanka. The adoption of the Declaration had been seen as one of the successes of the fiftieth anniversary of Universal Declaration of Human Rights, but the situation of human rights defenders had improved little since then. The draft resolution therefore reaffirmed the importance of the Declaration and welcomed, in particular, the Secretary-General's appointment of a special representative on human rights defenders.

Draft resolution A/C.3/55/L.47: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of humanitarian character

3. **Mr. Reyes Rodríguez** (Cuba) introduced draft resolution A/C.3/55/L.47 on behalf of the sponsors, joined by Guinea and Namibia. The reason for the rather long title of the draft resolution was that the sponsors had made a special effort to use agreed language throughout, notably from the Vienna Declaration and Programme of Action and from the Declaration annexed to General Assembly resolution 2625 (XXV). The draft resolution highlighted the importance of following the fundamental principles laid down in the Charter. Those principles must be observed by all members of the international community, and international cooperation within the United Nations system must not be abused to undermine the right of peoples to determine their own future.

Draft resolution A/C.3/55/L.48: Globalization and its impact on the full enjoyment of all human rights

4. **Mr. Oda** (Egypt), introducing draft resolution A/C.3/55/L.48 on behalf of the sponsors, said that the Sudan was also a sponsor, although its name did not appear in the document. In addition, Afghanistan, Angola, Azerbaijan, Barbados, Bhutan, Botswana, Burundi, the Congo, the Democratic Republic of the Congo, Côte d'Ivoire, Djibouti, Eritrea, Ethiopia, Guinea, Kenya, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Morocco, Myanmar, Namibia, the Niger, Saint Vincent and the Grenadines, Swaziland, the Syrian Arab Republic, Togo, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe had become sponsors. The draft resolution stressed that globalization was not just an economic process, but one with social and other dimensions that had an impact on the full enjoyment of human rights, and that it must be managed in such a way as to enhance its positive effects and alleviate its negative consequences.

Draft resolution A/C.3/55/L.52: Question of enforced or involuntary disappearances

5. **Ms. Contamin** (France) introduced draft resolution A/C.3/55/L.52 on behalf of the sponsors, joined by Canada and Morocco. There was greater cause than ever for concern about enforced disappearances, which amounted to nothing less than a form of organized repression. The draft resolution stressed the importance of combating impunity and welcomed, in particular, the fact that enforced disappearances had been brought within the jurisdiction of the International Criminal Court as crimes against humanity.

Draft resolution A/C.3/55/L.56: Promotion of a democratic and equitable international order

6. **Ms. de Armas García** (Cuba) introduced draft resolution A/C.3/55/L.56 on behalf of the sponsors, joined by Namibia. The draft resolution was based on Commission on Human Rights resolution 2000/62, but one significant change was that it did not refer to the promotion of the "right" to a democratic and equitable economic order. Rather, it relied where possible on agreed language on which there was already consensus within the United Nations system. It outlined the measures needed to promote and consolidate a democratic and equitable international order on the basis of the widely accepted link between democracy, development and the full realization of human rights. In order to promote the new order, the international community must therefore do everything possible to ensure that all human rights were observed.

Draft resolution A/C.3/55/L.60: Extrajudicial, summary or arbitrary executions

7. **Ms. Suikkari** (Finland) introduced draft resolution A/C.3/55/L.60 on behalf of the Nordic countries and the other sponsors, and said that they had been joined by Albania, Brazil, Ecuador, Malta and New Zealand. She introduced the following revisions: in paragraph 7, "journalists and persons ..." should be replaced by "journalists, racially motivated violence leading to the death of the victim as well as other persons ...", and the words "in an extrajudicial, summary or arbitrary manner as illustrated by the Special Rapporteur" should be deleted. In paragraph 9, "*inter alia*" should be added after the word "executions", and the last part of the sentence should read "and calls upon Governments to ensure that such measures are included in post-conflict peace-building efforts". In paragraph 11, the last part of the paragraph after "three years" should be deleted. In paragraph 12, "Takes note with appreciation" should be replaced by "Notes". In paragraph 19, "including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights" should be deleted.

8. The sponsors wished to highlight some of the issues included in Commission on Human Rights resolution 2000/31 on the same subject and to reflect a sense of urgency with regard to ending the practice of extrajudicial killings. There was wide consensus that impunity, as one of the root causes of grave human rights violations, must be eradicated. Moreover, the passive tolerance by States of extrajudicial killings such as those committed in the name of honour or the killing of human rights defenders must be condemned. The only way to put an end to all such killings was to address their root causes, by taking measures to prevent loss of life in civil disturbances and similar situations.

9. She expressed full support for the Special Rapporteur of the Commission on Human Rights on extrajudicial, arbitrary and summary killings, whose mandate embraced a broad approach to the right to life as guaranteed by the relevant international instruments.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/55/L.49, L.50 and L.64)

Draft resolution A/C.3/55/L.49: Situation of human rights in the Islamic Republic of Iran

10. **Mr. Moret** (France) introduced draft resolution A/C.3/55/L.49 on behalf of the European Union and the other sponsors, joined by Canada, Estonia, Latvia and Malta. The Czech Republic had been included in the list of sponsors by mistake and should be removed.

11. The draft resolution was largely based on the report of the Special Representative of the Commission on Human Rights (A/55/363). It was particularly regrettable that the Special Representative had not been invited to visit the Islamic Republic of Iran since 1996. There had recently been some positive developments in the country, including the raising of the minimum age of marriage and the promised reform of the judicial system and penal procedures, but progress in the field of human rights was still very unsatisfactory. The European Union strongly condemned the continuing restrictions on freedom of expression and the prosecution of journalists, and was concerned at the lack of transparency in the judicial system. It had taken note of the decision of the Court of Shiraz to reduce the sentences of the accused, but regretted that the sentences had not been simply quashed.

12. He expressed concern at the high number of judicial executions carried out without adequate judicial safeguards, and at the continuing practice of torture and cruel treatment, particularly in the form of amputations, forced disappearances and the murder of political opponents.

13. Although women were playing a larger part in the political life of the country, improvements in their social and legal status were far from satisfactory.

14. It was regrettable that the Government paid so little attention to the status of ethnic and religious minorities. The European Union called on the Government to meet the demands of the Sunnis and Baha'is and strongly supported the Special Representative's recommendations regarding them.

15. The European Union stood ready to enter into an open dialogue with the Islamic Republic of Iran and sincerely wished that calls from within the country for greater respect for human rights would lead to the opening of constructive discussions.

Draft resolution A/C.3/55/L.50: Human rights situation in Iraq

16. **Mr. Moret** (France) introduced draft resolution A/C.3/55/L.50 on behalf of the members of the European Union and the other sponsors, joined by the Czech Republic, Estonia, Latvia, Luxembourg, Malta, New Zealand, Norway and Slovenia. The draft resolution was largely based on the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/55/294), and called on the Government of Iraq to allow the Special Rapporteur to visit the country.

17. The situation of human rights in Iraq had not improved, despite the appeals of the international community for the observance of civil and political freedoms. Fundamental freedoms were still not guaranteed and international human rights instruments were ignored. The European Union strongly condemned the persistent pattern of gross human rights violations in Iraq, as witnessed by the recent string of cruel and summary executions. It also condemned the widespread use of torture, the frequent use of the death penalty, arbitrary arrests and detentions, forced disappearances and the systematic harassment of political opponents.

18. The Government of Iraq had a duty to take care of the well-being of its citizens, particularly the most vulnerable among them. The European Union called on the Government to continue to cooperate in implementing the relevant Security Council resolutions and to ensure that all humanitarian supplies under the oil-for-food programme were distributed fairly. It urged the Government to facilitate access by all Iraqi people to humanitarian workers and to cooperate with international aid organizations and non-governmental organizations.

Draft resolution A/C.3/55/L.64: Situation of human rights in Haiti

19. **Ms. Pérez** (Venezuela) introduced the draft resolution on behalf of the Group of Friends of the Secretary-General on Haiti (Argentina, Canada, Chile, France, the United States and Venezuela) and the other original sponsors, as well as Andorra, Australia, Belgium, Brazil, Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Paraguay, Peru, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland and Uruguay. She said that the text reiterated the substance of previous resolutions on the same subject while reflecting recent developments in the human rights situation in Haiti. The seventh preambular paragraph should be revised to read:

> "*Noting* the establishment of the International Civilian Support Mission in Haiti (MICAH) with the mandate to support the democratization process and assist the Haitian authorities with the development of democratic institutions; to assist the Haitian authorities in the reform and the strengthening of the Haitian system of justice, including its penal institutions, and to promote the Office of the Ombudsman; to support the efforts of the Government of Haiti to professionalize the Haitian National Police through a special training and technical assistance programme and help the Government to coordinate bilateral and multilateral aid in this area; to support the efforts of the Government of Haiti aimed at the full observance of human rights and fundamental freedoms; and to provide technical assistance for the organization of democratic elections and to collaborate with the Government of Haiti in the coordination of bilateral and multilateral assistance".

20. Her delegation was grateful to the Government of Haiti for its valuable contribution to consultations and hoped that the draft resolution would be adopted by consensus.

Agenda item 109: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/55/L.21)

Draft resolution A/C.3/55/L.21: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

21. **The Chairperson** invited the Committee to take action on draft resolution A/C.3/55/L.21, which contained no programme budget implications.

22. *Draft resolution A/C.3/55/L.21 was adopted.*

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/C.3/55/L.25/Rev.1, L.26/Rev.1 and L.63)

Draft resolution A/C.3/55/L.25/Rev.1: Measures to be taken against neo-Nazi activities and any ideologies and practices based on racial or ethnic discrimination or superiority

23. **The Chairperson** invited the Committee to take action on the revised draft resolution, which contained no programme budget implications.

24. **Mr. Ogurtsov** (Belarus), speaking on behalf of the original sponsors as well as Azerbaijan, Cuba, Kazakhstan and the Russian Federation, read out the revisions that had been made to the text.

25. The title of the draft resolution had been revised to read:

> "Measures to be taken against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism".

26. The fourth preambular paragraph had been deleted.

27. The fifth (now fourth) preambular paragraph had been revised to read: "*Noting with appreciation* the efforts undertaken by different regional organizations against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism."

28. The sixth (now fifth) preambular paragraph had been revised to read: "*Noting with regret* that in the contemporary world there continue to exist various manifestations of neo-Nazi activities, as well as other political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in the civil, political, economic and social and cultural spheres and in social justice".

29. At the end of the eighth (now seventh) preambular paragraph, the following words had been added: "to promote racist and xenophobic propaganda aimed at inciting racial hatred and to collect funds to sustain violent campaigns against multi-ethnic societies throughout the world".

30. After the eighth (now seventh) preambular paragraph, a new (eighth) preambular paragraph had been added, reading: "*Noting also* that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance".

31. The ninth preambular paragraph had been revised to read: "*Expressing its serious concern* at the rise in many parts of the world of doctrines based on racial discrimination or ethnic exclusiveness and at the growing coordination of their activities in societies at large".

32. At the end of the thirteenth preambular paragraph, the following words had been added: "In Durban, South Africa, from 31 August to 7 September 2001".

33. Paragraph 1 had been revised to read: "*Again resolutely condemns* political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia including, in particular, neo-Nazism, which entail abuse of human rights and fundamental freedoms".

34. Paragraph 2 had been revised to read: "*Expresses its determination* to resist such political platforms and activities that can undermine the enjoyment of human rights and fundamental freedoms and of equality of opportunity".

35. Paragraph 3 had been revised to read: "*Urges* States to take all available measures in accordance with their obligations under international human rights instruments to combat political platforms and activities

based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism".

36. Paragraph 4 had been revised to read: "*Calls upon* all Governments to promote and encourage, especially among the young, respect for human rights and fundamental freedoms as well as promote awareness and oppose political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia including, in particular, neo-Nazism".

37. Paragraph 5 had been revised to read: "*Urges* all States to consider the adoption, as a matter of high priority, of appropriate measures to eradicate activities that lead to violence and condemn any dissemination of ideas based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia including, in particular, neo-Nazism, consistent with their national legal systems and in accordance with the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination".

38. Paragraph 6 had been revised to read: "*Requests* the Secretary-General to include in his report to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance information on the measures undertaken by Member States against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism".

39. *Draft resolution A/C.3/55/L.25/Rev.1, as further orally revised, was adopted.*

Draft resolution A/C.3/55/L.26/Rev.1: Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance

40. **The Chairperson** invited the Committee to take action up the revised draft resolution.

41. **Ms. Newell** (Secretary of the Committee) said that the Controller had asked that it should be brought to the Committee's attention that a review of resolutions and decisions adopted by the Third Committee had shown a tendency in such texts to deal with administrative and budgetary matters, as exemplified by draft resolution A/C.3/55/L.26/Rev.1, paragraph 24, in which the Secretary-General was requested "to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously ...". The Committee's attention was drawn to the provisions of resolution 45/248, part B VI, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters; reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions; expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters; and invited the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters.

42. Should it be the wish of the Committee, the Controller and his staff stood ready to provide it with all relevant information regarding those procedures.

43. **Mr. Hynes** (Canada) contested the idea that the wording of paragraph 24 of the draft resolution was inappropriate. The paragraph contained a policy statement of a general nature found customarily in the Committee's resolutions and the Fifth Committee was at liberty to review it. He said he hoped that the Controller's statement would not be repeated in respect of similar provisions found in other draft resolutions of the Committee.

44. **Mr. Musa** (Nigeria), speaking on behalf of the original sponsors, as well as Albania, Andorra, Austria, Belarus, Belgium, Canada, Croatia, the Democratic People's Republic of Korea, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Turkey and the United Kingdom of Great Britain and Northern Ireland, said that the draft resolution was an update of the corresponding resolution of the previous session, which had been adopted without a vote. The text was of considerable importance to the Group of 77 and China, particularly in view of preparations for the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It was well balanced and focused and should be adopted by consensus.

45. In the sixth preambular paragraph, the words following "activities of" should be replaced by: "associations established on the basis of racist and xenophobic platforms and charters, as reflected in the report of the Special Rapporteur and at the persisting use of those platforms and charters to promote or incite racist ideologies".

46. In the seventeenth preambular paragraph, the words after "at large" should be deleted. In addition, paragraph 10 should be deleted and, at the end of paragraph 20 (new paragraph 19) the words "thereby contributing to the prevention of human rights violations" should be added.

47. *Draft resolution A/C.3/55/L.26/Rev.1, as further orally revised, was adopted.*

48. **Ms. Shestack** (United States of America) said that her delegation was pleased to have been able to join the consensus on the draft resolution, and would explain in the plenary Assembly why it had been unable to co-sponsor the text.

Draft decision A/C.3/55/L.63 submitted by the Chairperson of the Third Committee on the basis of informal consultations

49. **The Chairperson** proposed that the Committee should adopt draft decision A/C.3/55/L.63, relating to decision 1 (56) contained in the report of the Committee on the Elimination of Racial Discrimination.

50. *Draft decision A/C.3/55/L.63 was adopted.*

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/55/L.36, L.37, L.39, L.44, L.45, L.53, L.54, L.55 and L.57)

Draft resolution A/C.3/55/L.36: Proclamation of 18 December as International Migrant's Day

51. **The Chairperson** invited the Committee to take action on the draft resolution, which contained no programme budget implications. She announced that Belize, Benin, Burkina Faso, Côte d'Ivoire, Panama, the Republic of Moldova, Senegal, Togo and Yemen had become sponsors of the draft resolution.

52. *Draft resolution A/C.3/55/L.36 was adopted.*

Draft resolution A/C.3/55/L.37: United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights

53. **The Chairperson** invited the Committee to take action on the draft resolution, which contained no programme budget implications.

54. **Ms. Toomey** (Australia), speaking on behalf of the original sponsors as well as Albania, Azerbaijan, Belize, Bulgaria, Burkina Faso, Burundi, Cameroon, Costa Rica, Côte d'Ivoire, Djibouti, the Dominican Republic, Eritrea, Ghana, Guinea, Haiti, Honduras, Jamaica, Malawi, (the Federated States of) Micronesia, Mozambique, Myanmar, the Niger, Paraguay and Senegal, introduced a number of minor stylistic revisions to the fourth preambular paragraph and paragraph 15 of the text, and expressed the hope that the draft resolution would be adopted by consensus.

55. *Draft resolution A/C.3/55/L.37, as orally revised, was adopted.*

Draft resolution A/C.3/55/L.39: Situation of human rights in Cambodia

56. **Ms. Newell** (Secretary of the Committee) informed the Committee that the Controller had expressed concern, under the provisions of General Assembly resolution 45/248, part B VI, with regard to the provisions of paragraph 1 of the draft resolution, which requested the Secretary-General "to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner and to enable the Special Representative to continue to fulfil his tasks expeditiously".

57. **Mr. Hynes** (Canada) reiterated his reservations with regard to the concerns expressed by the Controller. The language used was typical of many resolutions and he noted that under the rules of procedure, if a draft resolution contained programme budget implications, the Committee would be so informed by the Secretary. He wondered whether the Secretary intended to make such a statement, failing which he could not understand the Controller's position.

58. **The Chairperson** replied that the Secretary had nothing to add to the statement she had made on behalf of the Controller.

59. **Ms. Nishimura** (Japan), speaking on behalf of the sponsors, said that Malta had become a sponsor of the draft resolution.

60. *Draft resolution A/C.3/55/L.39, as orally revised at an earlier meeting, was adopted.*

61. **Mr. Neral** (Cambodia) said that, in spite of some differences with regard to the wording of the draft resolution, his delegation had joined in the consensus. He reiterated Cambodia's continued commitment to democracy, the rule of law and the promotion and protection of human rights, which were priorities for his Government and thanked the sponsors for the flexibility they had shown.

Draft resolution A/C.3/55/L.44: Strengthening of the rule of law

62. **The Chairperson** said that the draft resolution contained no programme budget implications.

63. **Mr. Belli** (Brazil), speaking on behalf of the sponsors, announced that Burkina Faso, Ethiopia and Malaysia had become sponsors of the draft resolution, and that Jordan had withdrawn its name from the list of sponsors.

64. **Ms. Hajjaji** (Libyan Arab Jamahiriya) requested clarification as to which institutions were meant by the reference to "financial institutions" in paragraph 9.

65. **Mr. Belli** (Brazil) replied that the same paragraph had been included in previous years. The financial institutions in question were those of the United Nations system, such as the Bretton Woods institutions.

66. **Ms. Hajjaji** (Libyan Arab Jamahiriya) asked whether the text could be amended to read "multilateral financial institutions".

67. **Mr. Belli** (Brazil) said that he had no objection to such an amendment but would need to consult the other sponsors. He wondered whether the representative of the Libyan Arab Jamahiriya would be willing to withdraw her amendment for the current year's resolution, failing which he would have to suggest that action be deferred.

68. **Ms. Hajjaji** (Libyan Arab Jamahiriya) said she felt it important to identify which financial institutions were meant and would prefer that action was deferred pending further consultations.

69. **The Chairperson** said she took it that the Committee wished to defer action on draft resolution A/C.3/55/L.44.

70. *It was so decided.*

Draft resolution A/C.3/55/L.45: Respect for the right to universal freedom of travel and the vital importance of family reunification

71. **The Chairperson** said that the draft resolution contained no programme budget implications.

72. **Mr. Tapia** (Chile), speaking in explanation of vote before the vote, recalled that article 13(2) of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights guaranteed the right of any person to enter or leave any country, including his own. He thanked the main sponsor, Cuba, for agreeing to amend the second preambular paragraph to include a reference to the International Covenant. His delegation would therefore vote in favour of the draft resolution.

73. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Mali, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia,

Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America, Albania.

Abstaining:

Andorra, Australia, Austria, Azerbaijan, Bahrain, Belgium, Brunei Darussalam, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan.

74. *Draft resolution A/C.3/55/L.45 was adopted by 94 votes to 2, with 64 abstentions.*[*]

75. **Ms. Monroy** (Mexico) said that the right to freedom of travel was an important factor for the protection of the human rights of migrants but stressed that the freedom of travel referred to in paragraph 1, in keeping with the letter and spirit of article 13 of the Universal Declaration of Human Rights, clearly applied to all persons, whether migrants or not.

76. **Ms. Shestack** (United States) said that her delegation supported those elements of the draft resolution which took a positive and forward-leaning position towards family reunification and called on all countries, including Cuba, to take steps to implement the resolution. As one of the world's largest immigrant countries, the United States supported efforts to facilitate family reunification of legal migrants. Her delegation would have supported the draft resolution but for its emphasis on a bilateral issue which should not come before the General Assembly, and had therefore voted against the draft resolution.

Draft resolution A/C.3/55/L.53: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

77. **The Chairperson** announced that Burkina Faso, Ethiopia and Mauritania had become sponsors of the draft resolution, which had no programme budget implications.

78. *Draft resolution A/C.3/55/L.53 was adopted.*

Draft resolution A/C.3/55/L.54: Regional arrangements for the promotion and protection of human rights

79. **Ms. Newell** (Secretary of the Committee) said that the Controller had expressed the same concerns, under General Assembly resolution 45/248, part B VI, with regard to paragraph 14, which requested the Secretary-General to "make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements".

80. **Mr. Hynes** (Canada) reiterated his delegation's reservations with regard to those concerns, which did not seem to be in accordance with the rules of procedure regarding programme budget implications, and urged the Committee to adopt the draft resolution as it read notwithstanding the statement from the Controller. He suggested that the Secretary should convey to the Controller that the Committee was confident that it was acting within its mandate.

81. **Mr. El Khadraoui** (Belgium) announced that Bosnia and Herzegovina, Norway, the Republic of Moldova and Thailand had become sponsors of the draft resolution.

82. **The Chairperson** announced that Albania, Cameroon, Croatia, El Salvador, Fiji, Georgia, Honduras, Kenya, Liberia, Madagascar, Panama, Senegal, Sierra Leone and The former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

83. *Draft resolution A/C.3/55/L.54, as orally revised at an earlier meeting, was adopted.*

[*] The delegation of Cameroon subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

Draft resolution A/C.3/55/L.55: Human rights and extreme poverty

84. **The Chairperson** said that the draft resolution contained no programme budget implications.

85. **Mr. Chuquihuara** (Peru) announced that the Congo, Indonesia, Malaysia, Norway and the United Kingdom of Great Britain and Northern Ireland had become sponsors.

86. **The Chairperson** announced that Albania, Antigua and Barbuda, Belarus, Burundi, Cameroon, Croatia, Cyprus, Ethiopia, Ghana, Kenya, Malta, Mozambique, the Niger, Nigeria, the Republic of Moldova, Rwanda, Saint Kitts and Nevis, Sierra Leone, Swaziland and the United Republic of Tanzania had become sponsors of the draft resolution.

87. *Draft resolution A/C.3/55/L.55 was adopted.*

88. **Ms. Shestack** (United States) said that her delegation had joined the consensus but had been unable to sponsor the draft resolution because it had concerns about some recommendations in the report of the independent expert on the question of human rights and extreme poverty, referred to in the eleventh preambular paragraph, although it fully supported her work.

Draft resolution A/C.3/55/L.57: The right to development

89. **Ms. Newell** (Secretary of the Committee) said that the Controller had expressed the same concern, under General Assembly resolution 45/248, part B VI, with regard to paragraph 15 of the draft resolution, which called on the Secretary-General to "ensure that the Working Group on the Right to Development and the independent expert receive all necessary assistance, in particular the staff and resources required to fulfil their mandates".

90. **Mr. Hynes** (Canada) reiterated his delegation's position with regard to the concerns expressed by the Controller and once again requested that the Secretary should convey its views to the Controller.

91. **Mr. Bhatti** (Pakistan) said that the statement from the Office of the Controller seemed to call into question the competence of the Third Committee to make recommendations to the Fifth Committee. Further clarifications were in order.

92. **Mr. Bhattacharjee** (India) said that the practice of reading statements from the Office of the Controller was regrettable. His own interpretation of the rules of procedure was that the Fifth Committee was supposed to take budgetary decisions on recommendations from the Third Committee. If a substantive Committee was not permitted to take substantive decisions, that would have implications for the work of all Committees.

93. **Mr. Reyes Rodríguez** (Cuba) said that his delegation begged to differ. The Third Committee should not involve itself with budgetary matters. The assessment of resource availability should be left to the Fifth Committee, where each Member State was duly represented. The principles of the Organization must be respected.

94. **The Chairperson** said that the Controller would be informed of the Committee's concerns.

95. **Mr. Boang** (Botswana), speaking on behalf of the sponsors of draft resolution A/C.3/55/L.57, said that they did not seek to prejudge the outcome of the discussions under way within the Working Group on the Right to Development. The fact that more than half of humanity still lived in extreme poverty was not merely a cause for concern; it was unacceptable. Access to food, clean water, shelter, quality health care and education was essential to the full enjoyment of all human rights, particularly the right to development. Moreover, broader and strengthened participation of developing countries in international economic decision-making would contribute greatly to the promotion and full realization of the right to development. International cooperation to that end was paramount, and full realization of the right to development must be addressed in a global context through a constructive and dialogue-based approach.

96. The following countries had also become sponsors: Argentina, Australia, Austria, Belgium, Brazil, Canada, Costa Rica, Denmark, El Salvador, France, Finland, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

97. He read out the revisions which had been made to draft resolution A/C.3/55/L.57 following extensive consultations.

98. In the second preambular paragraph, after the word "Development", the words "adopted by the

General Assembly in its resolution 41/128 of 4 December 1986" should be added.

99. The sixteenth preambular paragraph should read "Taking note of its resolution 54/175 of 17 December 1999".

100. The final part of paragraph 12 following the words "right to development" should be deleted.

101. After paragraph 12 (bis), a new paragraph 12 (ter) should be added to read:

> "Further takes note of the report of United Nations Development Programme (Human Development Report 2000), and the World Bank Report 2000 (Attacking Poverty), which cover issues relevant to human rights, including the right to development, and welcomes the participation in the Working Group on the Right to Development of representatives of international financial institutions, as well as that of relevant United Nations specialized agencies, funds and programmes and non-governmental organizations, in accordance with relevant resolutions of the Economic and Social Council".

102. A number of minor editorial changes had also been made.

103. **The Chairperson** noted that Antigua and Barbuda, Croatia and The former Yugoslav Republic of Macedonia had also become sponsors.

104. **Ms. Nishimura** (Japan), speaking also on behalf of Australia, Canada and New Zealand, said they were pleased to sponsor such an important draft resolution. A consensus text had been achieved following constructive discussions. Indeed, a strong and shared commitment was vital to the realization of the right to development.

105. *Draft resolution A/C.3/55/L.57, as orally revised, was adopted.*

Draft resolution A/C.3/55/L.58: Enhancement of international cooperation in the field of human rights

106. **The Chairperson** said that draft resolution A/C.3/55/L.58 contained no programme budget implications.

107. **Mr. Boang** (Botswana), speaking on behalf of the sponsors of the draft resolution, said that El Salvador had also become a sponsor.

108. *Draft resolution A/C.3/55/L.58, as orally revised at an earlier meeting, was adopted.*

Draft resolution A/C.3/55/L.59: Human rights and unilateral coercive measures

109. **Mr. Boang** (Botswana), speaking on behalf of the sponsors, called upon the Committee to support draft resolution A/C.3/55/L.59. Antigua and Barbuda and El Salvador had joined the sponsors.

110. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco,

Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, The former Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Azerbaijan, Cameroon, Georgia, Kazakhstan, Republic of Korea, Ukraine, Uzbekistan.

111. *Draft resolution A/C.3/55/L.59 was adopted by 103 votes to 46, with 8 abstentions.*

(c) Human rights situations and reports of special rapporteurs and special representatives (*continued*) (A/C.3/55/L.38)

Draft resolution A/C.3/55/L.38: Situation of human rights in Myanmar

112. **The Chairperson** said that draft resolution A/C.3/55/L.38 contained no programme budget-implications.

113. **Ms. Mårtensson** (Sweden), speaking on behalf of the sponsors, said that Albania, Canada, Denmark, Ireland, Liechtenstein, Malta, the Netherlands and Slovenia had also become sponsors.

114. **Mr. Mra** (Myanmar) said that his delegation categorically rejected the draft resolution, which was both highly biased and lacking in credibility. There was no doubt that it was politically motivated, since it made numerous references to Aung San Suu Kyi, giving primacy to her rights while making no mention of the officially registered political parties and leaders. Aung San Suu Kyi was not even entitled to stand for election in Myanmar. It was his delegation's view that the draft resolution merely reflected the views of a small number of States and of a Special Rapporteur who exclusively represented their interests, not the concerns of the international community.

115. Most of the allegations contained in the draft resolution had been adequately refuted on previous occasions. To his delegation's dismay, further criticisms had also been made of Myanmar's legal system and economic and social situation. The sponsors had again sought to create the impression that Myanmar was deteriorating in all aspects, as if his Government was deliberately turning a blind eye to problems. In fact, Myanmar's comprehensive legal system complied with internationally accepted principles and was subject to close scrutiny. No man-made system was foolproof, but it was unfair to attack Myanmar's system in such a sweeping manner and on the basis of unfounded information.

116. Despite scarce resources, his Government was striving hard for economic and social development, as recognized in the UNDP *Human Development Report 2000*. In health and education, the country had performed well in comparison to many other countries.

117. The accusation that the Government forcibly recruited children into the armed forces was unfounded. The recruitment of all persons under the age of 18 was prohibited under national law. Only the Kayin National Union and insurgent groups had child soldiers in their ranks.

118. His delegation objected to the use of a country-specific resolution to pressure a State party to implement its obligations under a human rights instrument. That was tantamount to "double punishment" of a country whose situation was already under the Committee's scrutiny. Two of the sponsors were not even State parties to the Convention on the Elimination of All Forms of Discrimination against Women, and yet they had the temerity to join in the censure of his country. Fifty-one States, including three of the sponsors, had not yet submitted their initial reports under that instrument, whereas Myanmar had done so earlier that year. It was evident that every opportunity was being used to tarnish Myanmar's image despite its efforts to promote and protect the rights of children and women.

119. If the sponsors were to be believed, no human right had not been violated in Myanmar. Such an offensive portrayal reflected the hostility of the sponsors. Myanmar was a highly civilized country with a culture characterized by compassion, tolerance and understanding. The sponsors would clearly go to any lengths to discredit Myanmar. The allegations of "systematic" human rights violations were unacceptable.

120. Although the draft resolution mentioned a few positive developments, the overall tone was so negative that it conveyed only a misleading message to the international community.

121. The Government had received valuable advice from the technical cooperation mission of the International Labour Organization (ILO) on its second visit to Myanmar, in October 2000, and had taken the necessary administrative, executive and legislative measures to eradicate forced labour.

122. By laying blame on the Government, the draft resolution would not help resolve the highly complex political and economic problems facing the country during its period of peaceful democratic transition. His delegation had refrained from requesting a vote on the draft resolution out of regard for friendly countries that understood the situation in Myanmar in its true light. However, it wished to dissociate itself from the adoption of the draft resolution.

123. *Draft resolution A/C.3/55/L.38, as orally corrected at an earlier meeting, was adopted.*

124. **Ms. Nishimura** (Japan) welcomed the adoption of the draft resolution. The text expressed the shared concerns of the international community with regard to the human rights situation in Myanmar, while recognizing several positive developments. It also indicated goals to be achieved in respect of both human rights and democratization in that country. The draft resolution was not aimed at isolating Myanmar from the international community, but was intended to encourage the full implementation of its recommendations.

125. Her delegation urged the Government of Myanmar to remove all restrictions on the freedom of movement of Aung San Suu Kyi and other National League for Democracy members, and to release those detained after the incident in September. On the issue of forced labour, her delegation noted with appreciation the recent visit of the ILO technical-cooperation mission, the legislative order of the Ministry of Home Affairs and the instructions of the State Peace and Development Council. The Government of Myanmar should take further measures to ensure the implementation of those instruments. Japan also fully supported the efforts of the Special Envoy of the Secretary-General to provide good offices for national reconciliation in Myanmar. Japan hoped that the Government of Myanmar and the National League for Democracy would make every effort to improve the current situation and to initiate a constructive dialogue.

126. Lastly, her delegation wished to reiterate its hope that the Government of Myanmar would continue to make further efforts to improve the human rights situation, to advance democratization and to strengthen its cooperation with the United Nations. Japan was ready to support Myanmar's efforts in achieving those goals.

The meeting rose at 6 p.m.